

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

---

ALVIN BALDUS, ET AL.

Plaintiffs,

v.

Case No. 11-CV-562  
JPS-DPW-RMD

MEMBERS OF THE WISCONSIN  
GOVERNMENT ACCOUNTABILITY  
BOARD, ET AL.

Defendants,

---

**AFFIDAVIT OF DAVID R. OBEY**

---

STATE OF VIRGINIA           )  
  ) SS  
COUNTY OF ARLINGTON    )

DAVID R. OBEY, being duly sworn on oath deposes and says:

**BACKGROUND**

1. I was born October 3, 1938 and raised in Marathon, County, graduated from Wausau East, High School, and received a Bachelor of Science and a Master of Arts in Political Science from the University of Wisconsin, Madison.
2. In 1962 I was elected to the Wisconsin State Assembly.
3. In 1969 I was elected to Congress from the congressional district in which Wausau is located and was re-elected every two years until I did not seek re-election in 2010.
4. I was the longest serving congressman in the history of Wisconsin.
5. At the time I left congress in 2011 I was Chairman of the House Appropriations Committee.

6. In 1972, due to redistricting, the boundaries of my district were changed to include several counties north of Wausau. Since then the boundaries of the Wisconsin Seventh Congressional District have remained basically the same and I have been the congressman for that district until January, 2011.
7. I have reviewed the Congressional Redistricting Boundaries enacted in 2011 as Act 44 of the State of Wisconsin and believe that many of the changes cannot be justified using standard redistricting principles. I testified against this bill at a Wisconsin legislative hearing in Madison, Wisconsin on July 13, 2011. A copy of my testimony is attached as Exhibit A and incorporated herein as if set out in full and I hereby swear under oath that such testimony is true and correct.

#### **BACKGROUND OF CONGRESSIONAL REDISTRICTING**

8. I have been dealing with redistricting issues since I was in the Assembly in 1964.
9. I was deeply involved in redistricting after I went to congress in 1972, 1982, 1992 and 2002.
10. In each of those years, following each census, the process we followed was for a congressional representative from each party to work together and develop the congressional boundaries for consideration by the Legislature.
11. Starting in 1972, we agreed that we would not try to achieve through redrawn boundaries what the voters had not provided through the ballot box. In 1972, I worked with Congressman Bill Steiger (R-WI). In subsequent years I worked with Congressman James Sensenbrenner (R-WI). We used the redistricting considerations laid out by the courts to develop a map which we agreed to submit to the Wisconsin Legislature for consideration. We worked together to minimize unnecessary

disruption caused by boundary changes and population movements and to maximize compactness and to preserve long-recognized communities of interest. This process worked very well. There was never a court challenge to the boundaries we agreed upon and they were used for forty years.

12. In 2002 Wisconsin Republican Congressmen Ryan, Sensenbrenner, and Petri all agreed to the Congressional boundaries that were adopted. These boundaries included keeping Marathon, Portage, and Wood Counties in the Seventh Congressional District. Since I represented the Seventh Congressional District until January, 2011 I am intimately familiar with those three counties and nothing has changed since the 2000 census that would even suggest any lessening of community of interest that would justify separating those counties.
13. In 2011, Congressman Ryan was the lead person from the Republican delegation who recommended to the Wisconsin Legislature that all of Portage County and a portion of Wood County be removed from the Seventh Congressional District. There is no logical reason for removing Portage County and portions of Wood County from the Seventh Congressional District based upon accepted redistricting principles and no member of any Wisconsin Congressional delegation, either Republican or Democrat had ever even suggested such a configuration since I have been involved in Congressional redistricting.
14. Marathon, Wood, and Portage Counties have essentially been part of the same Congressional District for at least 80 years, since 1930.

### **REDSITRICTING CONSIDERATIONS—EQUALITY**

15. One of the considerations is that the districts be close to equal in accordance with the principal of one man one vote.

### **REDISTRICTING CONSIDERATIONS—RETENTION OF CORE POPULATION**

16. Another important consideration is to uproot the smallest number of constituents from one district to another consistent with the needs of equal representation.

17. This is important for the following reasons among others:

- a. One of the important duties of a member of congress is to provide constituent services to those he or she represents. That is best accomplished if confusion about which district citizens live in is minimized to the greatest possible degree. Constituent services can be a variety of things: assistance with passports, providing information about government programs, helping to confront government agencies or expressing opinions on issues before Congress. My staff and I would be constantly dealing with the needs of private citizens to understand how to gain access to government services and information. These are usually people who cannot afford a lobbyist. This access to government I believe falls under a citizens' right to petition government.
- b. People will best understand the positions taken by the representative in their district and will be better equipped to cast an informed vote than would be the case if they are continually confused about which district they now reside in. Moving voters will cause them to be less informed and more confused.

- c. Parties form organizations that are based upon district boundaries.

Unnecessarily moving voters disrupts those organizations, and their ability to provide useful information.

- d. Unnecessarily disrupting the link between constituents and their districts of residence will lower voter turnout and participation because of a lack of information. Voter turnout in U.S. elections is already lower than in many countries – not something to be desired in the world's oldest democracy.

18. For these reasons and others when I worked on redistricting with other congressman we believed it was highly important to move as few voters as possible.

19. I have reviewed the congressional districts passed by the Wisconsin Legislature and it is my opinion that this map violates the principle of core retention in many respects.

- a. In the Seventh Congressional District the ideal population could largely have been accomplished by simply placing the balance of Clark County in the Seventh Congressional District.
- b. Instead the new boundaries disrupt the continuity of congressional representation by moving hundreds of thousands of people in Wood, Portage, St. Croix, Monroe, Jackson, Juneau, and Chippewa County into and out of the Seventh Congressional District.
- c. In the Eighth Congressional District it would only be necessary to add about 4,000 people to achieve the target population and maintain the district boundaries agreed to in 2002 by the bipartisan Wisconsin Congressional Delegation. Instead, the new boundaries unnecessarily moved more than 80,000 people.

- d. In the Sixth Congressional District it would only be necessary to move about 5,700 people.
  - e. In the Fifth Congressional District it would only be necessary to move about 3,300.
  - f. The only districts with significant population changes since the last census which require major transfers of people are the Second (Madison area) which gained population and the Fourth (Milwaukee) which lost population. Those boundaries could be easily adjusted to accommodate the required changes without needless disruption to the population or the boundaries of the Third, Seventh, and Eighth districts as set forth above.
20. The redistricting after the 2000 census should have been a very simple process since the number of Congressional seats did not change and the population did not change significantly.

#### **REDISTRICTING CONSIDERATIONS- COMPACTNESS**

21. It's very important for Districts to be compact and the bipartisan Wisconsin delegations always strived to honor this consideration.
22. Compactness reduces travel time before elections, during campaigns and after campaigns in performing representational duties to make candidates and representatives more accessible to constituents.
23. Compactness also impacts the media market as television coverage, radio coverage, and newspaper coverage is limited to a specific geographic area. Constituents receive considerable information concerning their congressional representative through those media markets, especially television. Campaigning is also dominated by television

ads and television coverage. In western Wisconsin, the boundaries approved by the legislature further fragment the major media market for that area, making meaningful information less likely to be conveyed, and raising the cost of whatever communication is provided. The primary television coverage for western Wisconsin is provided by Minnesota and Twin Cities media outlets. Most of that coverage is presently provided to Third District counties such as Pepin, Pierce, Buffalo, and St. Croix counties. The new map split St. Croix County from that Third District and moved it to the Seventh. The result is that Third District candidates will need to continue to purchase Twin Cities media because it covers a major part of the district. Up until now, Seventh district candidates purchased very little Twin Cities media because only a small part of the Seventh district, such as Polk county, is dominated by Twin Cities television. This new map makes it more necessary for Seventh district candidates to also purchase Twin Cities media, unnecessarily raising the cost of campaigns.

24. Compactness makes it easier for democracy to work because it facilitates communications between the representative and the public. Since Marathon, Wood, and Portage Counties are one media market, communications by a member of Congress can be broadcast throughout those three counties. The new district boundaries reduces the ability of the Seventh District representative to communicate with the public since all of Portage County and much of Wood County have been moved from the Seventh Congressional District, to the Third Congressional District which receives most of its news from La Crosse television outlets. Little information

about Third district affairs will reach Portage County residents under this arrangement.

25. The new boundaries further reduce compactness by snaking the district boundary around Portage and part of Wood County and appending portions of Juneau, Jackson, and Monroe Counties so that these fractional counties could be added to the Seventh District. This makes no sense.
26. In the northern portion of the district the new boundary line now extends to Florence County. This increases travel time from west to east by about an hour as the community of Florence in Florence County is about a five hour drive from Superior in Douglas County whereas formerly it was about a four hour drive from Superior to Three Lakes which was on the eastern boundary of the former district. The addition of territory as far southeast as Monroe County unnecessarily adds an hour's drive time to get from Superior to Monroe County and even more to get from the northeast regions of the new district to the southwest regions of Monroe and Juneau Counties. This will reduce communications between the representative and the populations in the far corners of the district. The Seventh Congressional District was geographically already the largest congressional district in Wisconsin. Now it is unnecessarily made even larger geographically.
27. If the boundaries of the Seventh and Third are merely adjusted as set forth above those districts will be more compact than the new districts.

#### **REDISTRICTING CONSIDERATIONS COMMUNITIES OF INTEREST**

28. Communities of interest are very important politically. The collective power of a group of people or entities can become better informed and have a stronger influence



on governmental action and legislation than can a single individual. Communities of interest are usually more effective if the focus is upon a single representative.

29. Since at least 1938 Marathon, Portage, and Wood County have been in one congressional district. This has facilitated thinking of these counties as a single integrated economic and cultural unit.

30. The single most unifying community of interest in the Seventh Congressional District before the recent redistricting is the Wisconsin River.

a. The Wisconsin River is called the hardest working river in the United States.

This is because the river has led to economic development. In early years sawmills were built in Merrill, Wausau, Mosinee, and Stevens Point.

b. In later years the river became a great source of hydro-electric power. Today hydropower is still used to power paper mills on the river including:

i. Rhineland Paper Co. in Rhineland,

ii. Packaging Corp. of America in Tomahawk,

iii. Wausau Papers in Brokaw,

iv. Weyerhaeuser Papers in Rothschild,

v. Mosinee Papers in Mosinee,

vi. Stora Enso (Consolidated Paper) in:

1. Stevens Point,

2. Whiting,

3. Biron ,

4. Wisconsin Rapids,

vii. Georgia Pacific in Nekoosa and Port Edwards.

- c. All of the above 11 sites were located in the Seventh Congressional District for decades before the most recent redistricting.
- d. Today the six latter sites have been taken out of the Seventh District and placed in the Third.
- e. The river and the numerous impoundments are also a major source of recreation.
- f. The industrial development of the river has brought with it a number of related community interests relating to water quality, water levels, air quality, real estate, shoreland zoning, and tourism.
- g. One of the reservoirs is Lake Dubay. It within or near the borders of Marathon, Portage, and Wood Counties. It covers 6,830 acres and has 43 miles of shoreline.
- h. The Wisconsin Valley Improvement Corporation is located in Wausau, Wisconsin. It manages the Wisconsin River flowage of Lake DuBay to ensure that community, recreation, and paper industry needs are fulfilled in the region as well as managing for flood control. These needs were formerly all in the Seventh District now they are split between the Seventh and the Third Districts
- i. The Wisconsin River flows through Wausau (Marathon County), Stevens Point (Portage County), and Wisconsin Rapids (Wood County). All three of these cities were formerly in the Seventh District. Stevens Point and Wisconsin Rapids have now been moved to the Third District.

31. In the early 1980's, Wisconsin Governor Lee Sherman Dreyfus, himself a resident of Central Wisconsin, urged that the area be thought of as a common unit. He referred to Marathon, Portage and Wood counties as the "Ruralplex." This is because these three counties were a highly integrated economic and cultural hub for Central Wisconsin.

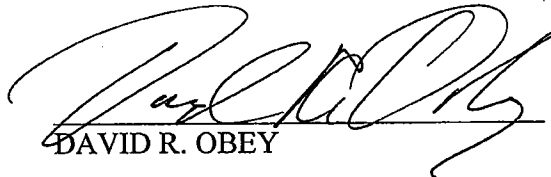
- a. The Central Wisconsin Regional Airport is a joint venture between Marathon and Portage counties.
- b. Major highways connect the three counties.
- c. The University of Wisconsin Stevens Point draws from the three counties.
- d. Wausau is the regional shopping hub of Central Wisconsin. The Cross Road Commons in Stevens Point also serves the region.
- e. Major Insurance Companies are headquartered in Wausau and Stevens Point.
- f. The region has highly integrated medical services. Ministry Health Care and Aspirus and their affiliates are major providers and major employers in the region.
- g. The same ABC, CBS, NBC, Fox and Public Television affiliates serve all three counties. Gannett Newspapers owns all four local newspapers.

32. High Schools from Wausau, Marshfield, Stevens Point, and Wisconsin Rapids all are members of the Wisconsin Valley Conference.

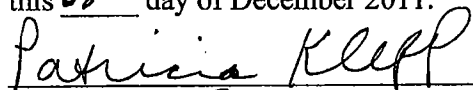
33. For many decades the Third Congressional District has been considered the Mississippi River valley district. The economic development of that area has been tied to the Mississippi River in ways similar to the Wisconsin River.
34. Monroe and Jackson counties have now been unnecessarily split between the Third and the Seventh District. These counties are more closely connected economically to La Crosse which is in the Third District than to any community in the Seventh District
35. The Eighth Congressional District has always been considered the Fox River, Green Bay, and northwestern Lake Michigan area. Its development has likewise been tied to these waterways.
36. In 2002 the bipartisan congressional delegation, the Wisconsin Legislature and the Governor all recognized that the boundaries set forth by the 2002 redistricting incorporated the communities of interest of the Third, Seventh, and Eighth Congressional Districts.

### CONCLUSION

37. All of the facts expressed above are based upon my lifetime as a Wisconsin resident and my 46 years as a legislator both in Wisconsin and the U.S. House of Representatives and as a member of the redistricting committee since 1972. Any opinions expressed are given to a reasonable probability based upon the above experience.

  
DAVID R. OBEY

Signed and sworn before me  
this 28<sup>th</sup> day of December 2011.

  
Notary Public, Commonwealth of Virginia  
My Commission Expires: Nov. 30, 2012  
Registration No. 119760



1 that sat in for the authors of the bill said that  
2 they would speak to it later. Are they going to  
3 return so that we can discuss the amendment?

4 CHAIRMAN ZIPPERER: I'm not aware  
5 of that.

6 REPRESENTATIVE ZAMARRIPA: Because  
7 they did indicate in their testimony that we would  
8 go over it later.

9 CHAIRMAN ZIPPERER: Perhaps we can  
10 ask if they can, and we'll see if they can speak  
11 to that. But I'm not aware that they had intended  
12 to do so, But I appreciate you bringing it to my  
13 attention.

14 REPRESENTATIVE ZAMARRIPA: Thank  
15 you. It's the amendment directly regarding my  
16 district as well as the 9th District.

17 CHAIRMAN ZIPPERER: Okay. Thank  
18 you. Congressman Obey.

19 MR. OBEY: Thank you, Mr. Chairman.  
20 I'm happy to be here. I had a lot better luck  
21 getting into this building today than I did a few  
22 months ago. I couldn't help but think as I've  
23 been sitting here how lucky you are and how lucky  
24 I've been. We are all public servants, and  
25 whether you have served in the legislative

1 capacity for 48 years, as I did, or whether you  
2 have served just a few months in your first term,  
3 we've all been very privileged.

4 And I was reminded of that when I heard the  
5 last conversation because that last conversation  
6 was directed almost solely at the question of what  
7 can be done rather than what should be done, and I  
8 would hope that as legislators we would recognize  
9 that if the courts demonstrate a certain degree of  
10 restraint in reviewing the actions of legislative  
11 bodies, I would hope that the legislative bodies  
12 would demonstrate that same restraint in deciding  
13 something as basic as how these lines are going to  
14 impact people's ability to cast a meaningful vote  
15 in elections, whether it be for state legislature  
16 or whether it be for congress itself.

17 My wife spent a whole lot more time raising  
18 my boys than I did. Anybody in politics  
19 understands the burdens of a spouse. She told our  
20 boys a long time ago that there's a big difference  
21 between what you can do and what you ought to do,  
22 and I hope that this legislature will keep that in  
23 mind as they deal with this issue. I have been  
24 dealing with reapportionment since I was in the  
25 assembly in 1964.

1 I was deeply involved after I went to  
2 congress in '72, '82, '92 and 2002 in helping to  
3 work out the redistricting issues, and I regret to  
4 say that if the congressional redistricting  
5 program which is before the legislature today, if  
6 that package passes, we will be an embarrassment  
7 to the reputation of good government in Wisconsin.

8 As you know, every ten years the courts  
9 require district lines to be redrawn. There are  
10 five problems that I see with the congressional  
11 plan that's being presented. First of all, courts  
12 have established a number of criteria that are  
13 desirable in determining what happens with these  
14 maps. The first is obviously equality of  
15 population. The second is fairness to minorities,  
16 but they also encourage respect for municipal  
17 boundaries and for communities of interest and for  
18 contiguity.

19 And the very process by which this is being  
20 considered turns that process on its head by  
21 essentially saying to localities that have gone  
22 through a great deal of redistricting activity  
23 already that they're just going to have to go back  
24 and do a whole lot of that all over again. I  
25 don't think that demonstrates much respect of the



1 responsibilities of local government.

2 I think, rather, it is more to be seen as a  
3 raw manipulation of power in defiance of the  
4 public interest, and in my judgment this package  
5 is designed to promote the interests of incumbent  
6 politicians at the expense of the public interest.  
7 Under the new census each district is supposed to  
8 be 710,873 people. In most cases these districts  
9 can be adjusted by making very modest adjustments  
10 in their existing lines. Example, the 6th  
11 District, Congressman Petri, all it needs to do to  
12 be in compliance is to add 5,700 people.

13 The 5th District, Mr. Sensenbrenner's, all it  
14 needs to be in compliance is to add 3,300 people.  
15 The 1st District, Mr. Ryan's, all it needs is to  
16 add 17,000 people. The 7th, my old stomping  
17 ground, all it needs to be in compliance is  
18 21,000; and in the third district, the same with  
19 19,000. But because of the blatant  
20 gerrymandering, this plan unnecessarily disrupts  
21 hundreds of thousands of people.

22 Example, if you take a look at the 8th  
23 District, the Green Bay district in the northeast,  
24 it needs only about 4,000 people to be in  
25 compliance, but more than 80,000 people are moved

1 around in order to accomplish these new lines. If  
2 you take a look at the 3rd and the 7th, all that  
3 you really have to do to equalize population  
4 between those two districts is to put all of Clark  
5 County into the 7th District. It's bounced back  
6 and forth for years between those two districts.

7 Now, admittedly, if you did put all of Clark  
8 County in the 7th District, that would make that  
9 district modestly more Republican, but that is  
10 something that would occur on the natural, not due  
11 to manipulation. Instead what has happened is  
12 that the southwestern Mississippi District, the  
13 3rd District, under this plan snakes its way up  
14 very surgically all the way up into central  
15 Wisconsin, slicing off Portage County and eastern  
16 Wood County, Wisconsin Rapids. That moves a lot  
17 of Democrats out of the 7th District. It moves  
18 them into the 3rd. It moves about 90,000 people  
19 with that little transaction, and then that --  
20 that then requires the 7th District in turn to  
21 reach all the way down from Superior to Juneau  
22 County, two-thirds the length of the state,  
23 creating that ridiculous little appendage that you  
24 will see on the map that is attached to the 3rd  
25 District.

1           The impact of that is clearly partisan, and  
2           then there's another tricky little gimmick that is  
3           also produced. As you know, Pat Kreitlow is a  
4           declared candidate in the 7th District running  
5           against Mr. Duffy. Mr. Ryan went to great length  
6           to point out, oh, we didn't take Kreitlow's house  
7           out of the district, but they came within  
8           six-tenths of the mile of doing that. And what  
9           they did was to simply strip away Mr. Kreitlow's  
10          basic political base.

11          That, in essence, has created a situation  
12          where Mr. Duffy can effectively run away from his  
13          opponent without publicly appearing to be doing  
14          so. I don't think that's a healthy development,  
15          and I don't think that that will add to the  
16          credibility of the legislative process in this or  
17          any other endeavor.

18          A third problem. We've seen in academia and  
19          we've seen in the press a good deal of commentary  
20          about how reapportionment through the years has  
21          made the House of Representatives more partisan  
22          and more polarized, and I regret to say that  
23          that's true. And this will add to that process.  
24          It will double the Democratic advantage in the 3rd  
25          Congressional District, Mr. Kind's district. It

1 will make the 2nd District, Tammy Baldwin's  
2 district, even more Democratic than it is today.  
3 It will increase the Republican bias in the 1st  
4 District by almost double what it was in the last  
5 reapportionment election.

6 The fourth problem is that if you are  
7 campaigning in the 7th District, it will make  
8 campaigning immensely more expensive. Right now  
9 if you run in the 7th District, you will buy La  
10 Crosse television, you will buy Duluth television,  
11 you will buy Eau Claire television. But under  
12 this package you are also going to have to buy La  
13 Crosse television and buy Minneapolis television.  
14 That's hugely expensive. That may be  
15 constitutional, but it ain't right. And it's not  
16 healthy, and it favors an incumbent because  
17 incumbents almost always raise more money or can  
18 almost always raise more money than challengers.

19 Fifth, it obliterates communities of  
20 interest. We heard here this morning how  
21 communities of interest are a legitimate  
22 consideration in drawing these lines. The 3rd  
23 District has always been a Mississippi River  
24 district. The 7th District has always been a  
25 Wisconsin River Valley district. This map blows

1 both of those to smithereens. For over a century,  
2 Lincoln, Marathon, Wood and Portage have been in  
3 the same congressional district. Even the  
4 athletic conferences represent one unit.

5 When Elroy Hirsch used to play football for  
6 Wausau High before he went to Wisconsin, he played  
7 against Stevens Point, Wisconsin Rapids,  
8 Marshfield, Merrill and the like. Governor  
9 Dreyfus, when he was governor, he talked often  
10 about his concept of rural-plex, and he urged  
11 Marathon, Wood and Portage Counties to think as  
12 one economic unit rather than competing against  
13 each other. He urged them to think about their  
14 commonality rather than what made them different.  
15 He was right then, and I think that's right today.

16 So we've heard a lot of talk about what may  
17 be legal. I don't know what's legal. All I know  
18 is that the Court has the obligation to determine  
19 what is legal, but legislators have an obligation  
20 to determine what is right. And sometimes there  
21 is a very big difference, and I hope that you  
22 demonstrate that understanding and that knowledge  
23 when you move ahead.

24 CHAIRMAN ZIPPERER: Thank you for  
25 coming, Congressman. Are there any questions?

1 Senator Erpenbach.

2 SENATOR ERPENBACH: Thanks for  
3 testifying. You've been involved in a lot of  
4 maps. What was -- what was the process like when  
5 you were involved in it? How did it work?

6 MR. OBEY: Well, the first time was  
7 when I was a freshman in the congress, and the  
8 congressional delegation asked Congressman Bill  
9 Steiger, Republican from Oshkosh, and me to try to  
10 work out a map to consider for legislature's  
11 consideration. So Bill and I sat down. We were  
12 good friends. We'd gone to college together. He  
13 was my second best friend. Back in those days you  
14 had friends across the aisle, believe it or not,  
15 and he was a terrific legislator.

16 So we sat down, and we decided rather than  
17 trying to sit down and draw a common map, Bill  
18 suggested that we both draw a separate map what we  
19 thought would be fair for the other party. Now,  
20 that was complicated by the fact we were losing a  
21 seat, and so what happened is Bill drew up his  
22 plan. I draw up the plan what I thought made  
23 sense. We then met in his office. We turned the  
24 plan right side up, and they were virtually  
25 identical except I had put Barron County in the

1 3rd District. And he had put Chippewa -- instead  
2 of Chippewa, and he had put Chippewa in the 3rd  
3 instead of Barron, and the numbers worked better  
4 by putting Chippewa in the 7th. So that's what we  
5 did.

6 But before we started we had an understanding  
7 that we would not try to do with a pencil or a pen  
8 or a hand calculator. We didn't have computers in  
9 those days. We determined we would not try to do  
10 it with a calculator what we couldn't get done at  
11 the voting booth and that we would not try to tip  
12 districts to one advantage or another. We would  
13 basically play it straight.

14 In the end what happened in '72 is my  
15 district was essentially eliminated. We lost a  
16 seat, so the eastern part of my district went over  
17 to the 8th. The southern part went to Petri.  
18 The southwest part went elsewhere, and we were  
19 left with a 50/50 district. And Alvin Okowski and  
20 I had it out, but we submitted that to the  
21 legislature, and it was -- it was controversial.  
22 It survived by one vote. The principal objection  
23 to it was some people in Manitowoc County who  
24 didn't want to leave the 8th District, and that  
25 was the process.

1           In the next four iterations Jim Sensenbrenner  
2           and I sat down and tried to represent each caucus,  
3           and then we submitted it here the last time  
4           around. We had a long roadblock from Chuck Chvala  
5           before the bill finally was considered. But the  
6           process was basically that we tried as much as  
7           possible simply to jimmy the numbers; and if you  
8           ask Paul Ryan, I think he will be honest enough to  
9           tell you that he was very suspicious of me when we  
10          started because he thought I was going to be out  
11          to omit. And when we drafted -- it was  
12          complicated in the southeastern part of the state  
13          in the 1st District because you have large  
14          populations in a lot of municipalities.

15          And after he saw the changes that we were  
16          recommending, he said to me, he said, "Dave, I  
17          thought you'd be out to get me. I understand  
18          you're playing it straight." And he was playing  
19          it straight, and Sensenbrenner was playing it  
20          straight. And that's the way we went about it,  
21          but, I mean, it did not produce any high comfort  
22          level on my part. I mean, I survived for 42 years  
23          in 51 percent Democratic district.

24          And Ron Kind's district was marginal in the  
25          beginning. It's becoming more Democratic now, and



1 some of these districts you cannot avoid being  
2 lopsided. There are just a lot of Republicans in  
3 the Fox River Valley, for instance, and there are  
4 a lot of Republicans in Waukesha, and there are a  
5 lot of Democrats in Milwaukee. So you can't avoid  
6 some of that, but it is not good for the House.  
7 It is not good for the country if we continue to  
8 produce more and more safe districts and fewer and  
9 fewer competitive districts. And this will add to  
10 that process.

11 I have always had a mixed opinion on whether  
12 legislature should undertake this job or whether  
13 it should be turned over to the citizen  
14 commission. And as long as we've had divided  
15 government, I thought, well, I'll play it flat or  
16 play it round. I don't -- as long as you've got  
17 the parties to keep each other honest, maybe it  
18 makes sense to have a state legislature continue  
19 to draw these lines, but I think around the  
20 country what the pattern shows is when you have  
21 one-party government, that the majority party goes  
22 nuts.

23 And what they do is they determine that  
24 they're going to do what's good for their party,  
25 and I think what that means is that you ought to

1 have -- at least when you have one-party control,  
2 you ought to have citizen commission drawing these  
3 lines or at least as they do in some states, have  
4 them initially draw a map and then submit it to  
5 the legislature so there is some objective  
6 standard by which to judge the actions of the  
7 legislature.

8 SENATOR ERPENBACH: Two more quick  
9 questions. Do you know if the congressional  
10 Democrats had any input on this new congressional  
11 map at all?

12 MR. OBEY: All I can tell you is  
13 when I was told by the Democrats what was going  
14 on, they said that they attempted to have some  
15 consideration given to alternatives and were told  
16 no say.

17 SENATOR ERPENBACH: So they didn't  
18 have any input at all. Okay. Last question. At  
19 least I saw the congressional map in -- I think it  
20 was in the Journal Sentinel was the first time I  
21 saw it, a rough cut of it. We saw the official  
22 legislative map on Friday afternoon, late Friday  
23 afternoon. Here we are on a Wednesday. We're  
24 going to be voting on it out of committee before  
25 next Tuesday because we're on the floor next

1 Tuesday with it. Have you ever seen a map pass  
2 that quickly?

3 MR. OBEY: I sure can't remember  
4 one for someone that's been around 50 years.

5 SENATOR ERPENBACH: I should ask  
6 Fred. Fred, have you ever seen a map -- all  
7 right. Thanks.

8 CHAIRMAN ZIPPERER: Representative  
9 Danou.

10 REPRESENTATIVE DANOU: Real  
11 briefly, most of what I was going to ask has been  
12 covered, and let me just say it's been an honor to  
13 hear from you. You were my congressmen virtually  
14 the whole time I grew up in Marshfield so --

15 MR. OBEY: I'm sorry about that.

16 REPRESENTATIVE DANOU: Is this in  
17 your opinion the most partisan map you've seen in  
18 the history in your dealing with politics?

19 MR. OBEY: No, I can't say that it  
20 is, but I can say it certainly is partisan. And  
21 it isn't just partisan. It also adds to the  
22 polarization, and for God's sake, with all that's  
23 going on in this country now, with the needless  
24 fight over the debt ceiling, with the fights that  
25 we've had here in this legislature, does this

1 country really need to be made more polarized?

2 That's what's happening with this plan, and  
3 it's happening with other plans around the  
4 country. And somebody's got to step in and say,  
5 "Hey, for the good of the country, we need to  
6 restore more competition." And as I said earlier,  
7 if I can survive for 42 years in a 51 percent  
8 district, I have very little patience with people  
9 who say, "Oh, my God, I can't vote with Obey  
10 because I might get an opponent district or I  
11 might be cut down to 65 percent." People don't  
12 cast meaningful votes when you have numbers like  
13 that.

14 REPRESENTATIVE DANOU: Thank you.

15 CHAIRMAN ZIPPERER: Thank you.

16 MR. OBEY: Thank you very much. I  
17 appreciate your courtesy.

18 CHAIRMAN ZIPPERER: To answer I  
19 think the question that was presented over here, I  
20 believe the last time, at least to my  
21 recollection, the legislature passed and the  
22 governor signed a map that was enacted into law  
23 was in the 1983 session when Governor Earl was  
24 governor.

25 There was on July 11th SSAB1 was introduced

**Brandt, Karen J (15243)**

---

**From:** ecfmaster@wied.uscourts.gov  
**Sent:** Tuesday, January 03, 2012 2:41 PM  
**To:** ecfmaster@wied.uscourts.gov  
**Subject:** Activity in Case 2:11-cv-00562-JPS-DPW-RMD Baldus et al v. Brennan et al Affidavit

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**United States District Court**

**Eastern District of Wisconsin**

**Notice of Electronic Filing**

The following transaction was entered by Hassett, P on 1/3/2012 at 2:41 PM CST and filed on 1/3/2012

**Case Name:** Baldus et al v. Brennan et al  
**Case Number:** 2:11-cv-00562-JPS-DPW-RMD  
**Filer:**  
**Document Number:** 100

**Docket Text:**

**AFFIDAVIT of David R. Obey . (Attachments: # (1) Exhibit Transcript of Proceedings 7 13 11)(Hassett, P)**

**2:11-cv-00562-JPS-DPW-RMD Notice has been electronically mailed to:**

Aaron H Kastens [ahkastens@michaelbest.com](mailto:ahkastens@michaelbest.com), [mlcrimmins@michaelbest.com](mailto:mlcrimmins@michaelbest.com)

Brady C Williamson [bwilliam@gklaw.com](mailto:bwilliam@gklaw.com), [agrote@gklaw.com](mailto:agrote@gklaw.com), [jschwartz@gklaw.com](mailto:jschwartz@gklaw.com)

Colleen E Fielkow [cfielkow@reinhardtlaw.com](mailto:cfielkow@reinhardtlaw.com), [kkempski@reinhardtlaw.com](mailto:kkempski@reinhardtlaw.com)

Daniel Kelly [DKelly@reinhardtlaw.com](mailto:DKelly@reinhardtlaw.com), [aschneik@reinhardtlaw.com](mailto:aschneik@reinhardtlaw.com)

Daniel S Lenz [dlenz@lawtoncates.com](mailto:dlenz@lawtoncates.com)

Douglas M Poland [dpoland@gklaw.com](mailto:dpoland@gklaw.com)

Dustin B Brown [dbrown@gklaw.com](mailto:dbrown@gklaw.com)

Eric M McLeod [emmcleod@michaelbest.com](mailto:emmcleod@michaelbest.com), [sktrotter@michaelbest.com](mailto:sktrotter@michaelbest.com)